

### REMARKS

Claims 1, 2, 4-11 and 15-20 are pending with claims 1, 15, and 19 being independent. Claims 3 and 12-14 have been cancelled previously. Claims 1, 4-11, and 15-19 have been amended.

#### ***Specification objections***

The title of the present application was objected to as not being descriptive. Applicants have amended the title of the present application to obviate this objection. The description of figures 2-6 and figures 7-9 were objected to for not being mentioned separately. In the description of drawings section of the specification, Applicants have amended the description of figures 2-9 to obviate this objection.

#### ***Claims rejection under 35 U.S.C. § 101***

Claims 15-20 were rejected under 35 U.S.C. § 101 as being directed to a non-statutory subject matter. Applicants have amended claims 15 and 18 to obviate the rejections of claims 15-18. Applicants respectfully traverse the rejections of claims 19 and 20. Claims 19 and 20 are directed to an apparatus. Accordingly, Applicants respectfully assert claims 19 and 20 are directed to a statutory subject matter.

#### ***Claims rejection under 35 U.S.C. § 112, second paragraph***

Claims 1, 2, 4-11, and 15-20 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Specifically, the Office Action asserts that the scope of terms “users,” “type of access device,” “type of software,” and “information” are not clear. Applicants have amended claims 1, 4-11, and 15-19 to overcome this rejection.

With respect to the term “users,” Applicants have amended the claims, where appropriate, to clarify that the term “users” refers to “one or more online users.” With respect to the terms “type of access device” and the “type of software”, Applicants fail to note lack of antecedent basis in the claims. However, Applicants have amended the claims, where

appropriate, to distinguish a “target type of access device” from a “client type of access device” and a “target type of software” from a “client type of software.” As recited in claims 1, 15, and 19, the “target type of access device” may or may not be the same as the “client type of access device.” Similarly, as recited in claims 1, 15, and 19, the “target type of software” may or may not be the same as the “client type of software.”

With respect to the term “information,” Applicants fail to note lack of antecedent basis in the claims. However, Applicants have amended the claims where appropriate to distinguish “context information” from “geographic information.”

Applicants respectfully assert that the present amendments are only for the purpose of overcoming the 35 U.S.C. § 112, second paragraph rejection, and they are not for the purpose of overcoming the reference cited by the Office Action to reject the pending claims.

#### ***Claims rejection under 35 U.S.C. § 102***

Claims 1, 2, 4-11, and 15-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Number 6,360,172 (“Burfeind”). Applicants respectfully traverse this rejection because Burfeind fails to describe or suggest at least “targeting rules designating at least a target geographic location and at least one of a target type of access device or a target type of software and applying the targeting rules to the context information to identify a subset of the one or more online users that are associated with the target geographic location and who employ at least one of the target type of access device or the target type of software,” as recited in claim 1 and similarly recited in claims 15 and 19.

Burfeind relates to a system for “generation and distribution of personalized multimedia natural-phenomenological information.” Title. Burfeind describes that the prior art systems distribute to consumers “natural-phenomenological information regardless of the particular needs of the consumers.” Col. 2, lines 18-20. Burfeind states that these systems are disadvantages because they provide the consumers with a large amount of natural-phenomenological information even though the consumers may only be interested in a small portion of that information. Col. 2, lines 20-23. Therefore, Burfeind describes a system that enables a

subscriber to receive natural-phenomenological information that is personalized to the unique requirement of the subscriber. Col. 2, lines 52-54. Specifically, Burfeind describes a system that gathers natural-phenomenological data and personal preferences of the subscriber. Col. 3, lines 1-8. The personal preferences of the subscribers include the subscriber's activities and geographic locations of the activities, calendar information of the subscriber and modes of delivery. Col. 3 lines 4-8.

The system uses the personal preference of the subscriber, such as the subscriber's activities, to generate natural-phenomenological data that is particularly useful to the subscriber. Col. 10, lines 13-19 and lines 44-53 (stating the system "generates for a subscriber who has indicated in his/her dynamic personal preferences that sailing is an activity of the subscriber....[a message indicating] the winds for sailing tomorrow will be 10-12 knots."). Once the system generates the personalized natural-phenomenological data, the system delivers the natural-phenomenological data to the subscriber based on the method of delivery identified by the subscriber. *Id.* (stating the system routes the personalized natural-phenomenological information to the subscriber based on the subscriber's output device). As such, the system in Burfeind utilizes the information regarding the subscriber's output device to route the personalized natural-phenomenological information to the subscriber and does not utilize it as a targeting rule to identify a subscriber.

Accordingly, Burfeind does not describe or suggest "targeting rules designating at least a target geographic location and at least one of a target type of access device or a target type of software and applying the targeting rules to the context information to identify a subset of the one or more online users that are associated with the target geographic location and who employ at least one of the target type of access device or the target type of software," as recited in claim 1 and similarly recited in claims 15 and 19.

The Office Action heavily relies on column 10, lines 44-49 to show the above recited features. In column 10, lines 44-49, Burfeind describes that the system uses a multimedia device interface to prepare and communicate the personalized natural-phenomenological information according to the device type employed by the subscriber. For example, Burfeind states the

multimedia device interface enables routing the personalized natural-phenomenological information to different devices such as, telephone, voicemail systems, pagers, and email. Col 10, line 53 - col. 11, line 16 (stating if the subscriber's output device includes a voicemail output device, "the multimedia device interface generates and add English words to the output text string to create a grammatically correct voice-synthesized audio stream compliant to the capabilities, features and functions of the devices that include, telephone, voicemail or a personal digital assistance.""). As such, in this section too Burfeind fails to describe or suggest "targeting rules designating at least a target geographic location and at least one of a target type of access device or a target type of software and applying the targeting rules to the context information to identify a subset of the one or more online users that are associated with the target geographic location and who employ at least one of the target type of access device or the target type of software," as recited in claim 1 and similarly recited in claims 15 and 19.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1, 15, and 19 along with their dependent claims.

### ***Conclusion***

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The Petition for Extension of Time fee of \$120 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050.

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Respectfully submitted,

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